

REMARKS/ARGUMENTS

Claims 1-3, 17 and 18-21 are active. Claims, 1, 17 and 18 have been amended to include limitations discussed with Examiner Marks that the Applicants believe should place this case in condition for allowance. Claims to subject matter containing similar limitations were allowed in copending Application No. 12/617,232. No new matter has been added. Favorable consideration of this amendment and allowance of this case are respectfully requested.

Interview Summary Record

The Applicants thank Examiners Marks for the helpful interview of January 5, 2012. Amendments similar to those made in a copending case which further describe the crystal grain structure of the cans produced and further limit the temperature at which the can is press formed were discussed. The Applicants urged that the prior art did not suggest press forming a zinc-bismuth can within the temperature range 120 to 210°C nor did it provide a reasonable expectation that selection of this range would provide a can having the crystal grain structure now required by the claims or the superior properties of cans having that structure. Notably, Hikata, et al. only discloses processing a metal sheet at a temperature of 120 to 210°C and is silent about the temperature at which cans are press-formed. The limitations introduced into the claims correspond to those in dependent claims 2 and 3 and thus should not raise new issues.

Restriction/Lack of Unity/Election

The Applicants previously elected with traverse **Group I**, claims 1-3, directed to a method for making a battery. Claims 4-7, drawn to a battery, were withdrawn from consideration and have now been cancelled without prejudice to their appearance in a

divisional application. The requirement has been made FINAL. The Applicants respectfully request that the claims of the nonelected group(s) or other withdrawn subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Rejection—35 U.S.C. §102

Claims 1, 3, 17 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Hikata, et al., JP 07-094193. This rejection cannot be sustained in view of the amendments above which introduce limitations similar to those in claims 2 and 3 into independent claim 1, 17 and 18. Moreover, as summarized above, the machine-translation of Hikata¹ paragraph [0013] while mentioning “a temperature of 180-220**” does not disclose “press-forming an anode material that is a zinc alloy at a temperature ranging from 120°C to 210°C to make an anode zinc can. . . wherein crystal grain diameter at the outer wall of the zinc can is 1.0 to 1.4 times the crystal grain diameter at the inner wall”. Rather the temperature described in the machine translation is that of a heating roller press that produces a 5-mm-thick board, not a zinc can. Hikata is silent about the temperature at which a zinc can is press-formed and cannot disclose or suggest the process of the invention which requires press forming within the particular temperature range required by the invention. Paragraph [0025] on page 16 of the specification discloses the benefits of selecting this temperature range—processing at a higher temperature leads to cracking and processing at a lower temperature outside this range leads to nonuniformity. For all of the reasons above, this rejection cannot be sustained.

¹ Human translation not yet available on PAIR.

Rejection—35 U.S.C. §103

Claims 2 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hikata, et al., JP 07-094193, further in view of Ferraro, et al., U.S. 2002/0081490. Hikata has been addressed above and does not suggest press forming a can at 120°C to 210°C. Ferraro doesn't suggest this either and was relied upon for teaching press forming a cylindrical can. Thus, the two references in combination do not teach or suggest all the elements of the invention and this rejection cannot be sustained.

Conclusion

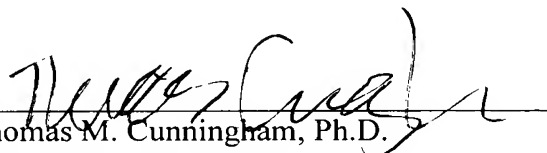
This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

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